

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

KIMBERLY C. CUTONE and;
ANTHONY CUTONE

Plaintiffs,

v.

ELI LILLY AND COMPANY, *et al.*,
Defendants.

CIVIL ACTION NO.

1:04-cv-12725-RCL

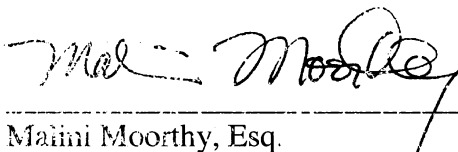
DEFENDANT PHARMACIA & UPJOHN COMPANY'S
L.R. 16.1 (D)(3) CERTIFICATION

Pursuant to Local Rule 16.1 (D)(3) of the United States District Court for the District of Massachusetts, Defendant Pharmacia & Upjohn Company LLC *formerly* known as The Upjohn Company certifies that it has conferred with counsel:


(a) with a view to establishing a budget for the costs of conducting the full course and various alternative courses of the litigation; and

(b) to consider the resolution of this litigation through the use of alternative dispute resolution programs such as those outlined in L.R. 16.4.

PHARMACIA & UPJOHN COMPANY LLC PHARMACIA & UPJOHN COMPANY LLC


Malini Moorthy, Esq.

By their attorneys,


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Dated: March 29, 2005